

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

**FILED**

**NOV 26 2007**

MARK KERNEY WEAVER, )  
)  
Plaintiff, )  
)  
vs. )  
)  
OKLAHOMA COUNTY SHERIFF'S )  
OFFICE et al., )  
)  
Defendants. )

ROBERT D. DENNIS, CLERK  
U.S. DIST. COURT, WESTERN DIST. OF OKLA.  
BY \_\_\_\_\_ DEPUTY

NO. CIV-07-847-W

**ORDER**

On October 30, 2007, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter and recommended that defendant Oklahoma County Sheriff's Office ("Sheriff's Office") be dismissed. Plaintiff Mark Kerney Weaver was advised of his right to object to the Report and Recommendation, but no objection was filed within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of the Motion to Dismiss filed by the Sheriff's Office. The Sheriff's Office is not a suable entity and is not proper party in this action.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation issued on October 30, 2007;
- (2) GRANTS the Motion to Dismiss filed on October 2, 2007, by the Sheriff's Office based upon the grounds set forth in Proposition I;
- (3) DISMISSES the Sheriff's Office as a party defendant; and
- (4) RE-REFERS this matter to Magistrate Judge Bacharach for further proceedings

in connection with Weaver's remaining claims.

ENTERED this 26<sup>th</sup> day of November, 2007.

  
\_\_\_\_\_  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE